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FACSIMILE TRANSMITTAL

TO:

Name: Mail Stop ISSUE FEE

Firm: U.S. Patent & Trademark Office

Fax No.: 571-273-2885

Subject: U.S. Patent Application No. 10/735,343

David F. Meschan

Filed: December 11, 2003

ATHLETIC SHOE WITH IMPROVED HEEL
STRUCTURE

Attorney Docket No. 104.0004-03000

Customer No. 22882

Confirmation No. 3765

FROM:

Name: Thomas H. Martin, Esq.

Phone No.: 330-877-2277


No. of Pages (including this): 8

Date: April 25, 2006

Confirmation Copy to Follow: No

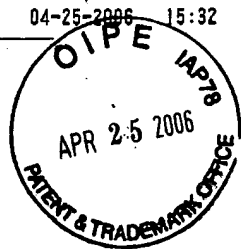
Message:**CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that the attached Submission of Issue Fee Transmittal Form, Issue Fee Transmittal Form, copy of July 28, 2005 Decision, and Amendment After Allowance are being facsimile transmitted to the U.S. Patent and Trademark Office on April 25, 2006.


Sandra L. Blackmon

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PATENT
Attorney Docket No. 104.0004-03000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	Confirmation No.: 3765
David F. Meschan)	
Serial No.: 10/735,343)	Group Art Unit: 3728
Filed: December 11, 2003)	Examiner: John T. Kavanaugh
For: ATHLETIC SHOE WITH IMPROVED)	Notice of Allowance dated:
HEEL STRUCTURE)	March 6, 2006

MS ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SUBMISSION OF ISSUE FEE TRANSMITTAL FORM

Submitted herewith is an Issue Fee Transmittal Form for the above-identified application. It is requested that the issue and publication fees in the amount of \$1,700.00 (paid on April 18, 2005) be applied to this submission. A copy the Decision dated July 28, 2005 is submitted herewith.

If there is any deficiency or additional fee due in connection with the filing of this submission, please charge the fee to our Deposit Account No. 50-1068.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: April 25, 2006

By: Thomas H. Martin

Thomas H. Martin

Registration No. 34,383

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OFFICE OF PETITIONS

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MARTIN & FERRARO, LLP

In re Application of
David F. Meschan
Application No. 10/735,343
Filed: December 11, 2003
Attorney Docket No. 104.0004-03000

:
:
: DECISION GRANTING PETITION
: UNDER 37 CFR 1.313(c)(2)
:

This is a decision on the petition, filed July 27, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is GRANTED.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on April 18, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 3728 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the amendment and Information Disclosure Statement.

Frances Hicks
Frances Hicks
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).